REMARKS

Claim Rejections – 35 USC § 103

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al. (U.S. 5,394,506) in view of Leonard et al. (U.S. 5,937,140) and Ming (GB 2,338,610).

Stein et al. teaches a heat activated air freshener system including a male insert **32** plug that is inserted into a cigarette lighter and an air freshener unit **42**. See figure 3. Stein et al. does not disclose an opening which allows for plugs of other devices.

It is not the fact that Stein does not disclose an opening, but that Stein teaches away from an opening. Case law states that one of skill in the art can be motivated to make a combination of references, however, one cannot take a reference which teaches away from what another reference teaches and combine the reference.

Stein specially teaches a reusable cartridge for use in a fragrance dispenser heated through the use of a cigarette lighter socket. Stein specifically teaches a trapezoid or web shaped cartridge. The cartridge includes a separate housing that holds the cartridges. The device in Stein has rigid walls firmly attached to a housing.

One could not use an opening to allow for plug ins as descriptive in the present invention with Stein, or else the cartridges and housing could not function. Further, since the cartridges contain a liquid, if one were to put a hole

through the cartridge the liquid would leak all over. Therefore, Stein cannot be modified as described by the Examiner.

However, the concept of an air freshener having a receptacle for the plug of another device is known in the art. Leonard et al. teaches an air freshener diffuser for a standard wall outlet which all incorporates a "plug-through" features so that an outlet is not lost when using the device. See col. 5, lines 20-31.

As stated above, there is no teaching to combine Leonard and Stein and in fact the references teach away from each other. Further, Leonard teaches such a device for a standard wall outlet and not for a moving vehicle.

In addition, Ming discloses an adapter **17** for a cigarette lighter that may have two or more sockets **53, 55, 57** for additional devices, such as cell phones. See Abstract and Figure 4.

Ming does not describe an air freshener unit and for the reasons stated above cannot be combined with Stein.

As it was known in the art at the time of the invention to provide a fragrance diffuser with additional sockets so as to avoid losing an outlet when using the device as evidenced by Leonard et al., it would have been obvious to do the same in the invention of Stein et al. by providing additional sockets in the manner of Ming.

For the reasons stated above, claims 1-3 are not obvious over the above prior art.

With respect to the shape of the freshener, it has been well-established that the choice of shape in a device is generally not significant or patentable where it relates to mere aesthetics.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al, Leonard et al, and Ming as applied to claim 1 above, and further in view of Chan (Des. 398,386) and Dawn (US 4,808,347).

The combination *supra* fails to teach an extension cord or an external fan. Chan, however, discloses an electric fan having an extension corn that plugs into a cigarette lighter. See figures. Furthermore, Dawn teaches a fan driven air freshener which plugs into a cigarette lighter. The fan **29** assists in dispersing the scent from disc **39**. As fans are known in the art of air freshening for use in dispersing a scent, as evidenced by Dawn, and as the extension cord of Chan permits the device to be moved to a desirable location, it would have been an obvious to one of ordinary skill in the art to provide the exterior fan and extension cord of Chan to the air freshener of Stein et al..

For the reasons stated above, claim 4 is not obvious over the above mentioned prior art.

Applicant believes that the application is now in condition for allowance.

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